

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY
LITIGATION

No. 2:12-md-02323-AB
MDL No. 2323

THIS DOCUMENT RELATES TO:

Hon. Anita B. Brody

ALL ACTIONS

ORDER

The NFL has withdrawn its appeal relating to SPIDs 100000070, 100004758, 100005741, 100007941, 100009422, 100013190 and 950000215 with regard to the “generally consistent” standard in connection with a Qualified MAF Physician’s diagnosis departing from the BAP diagnostic criteria. Accordingly, **the hearing set for Thursday, January 10th, at 10:15 am (ECF No. 10361) is cancelled**, the appeal is withdrawn, and those cases are now final. The stay of payment of these seven claim awards (*see* ECF 10337) is lifted.

In reviewing the papers and exhibits submitted by all interested parties, the Court reviewed a number of reports and certifications submitted by Qualified MAF Physicians that failed to set forth the doctor’s analysis as to why the diagnosis of Level 1.5 Neurocognitive Impairment (i.e., early dementia) or Level 2 Neurocognitive Impairment (i.e., moderate dementia) was “generally consistent” with the BAP diagnostic criteria. The Court directs the Claims Administrator to develop for review and approval by the Court a clarification of the existing Rules Governing Qualified MAF Physicians. The clarification should require that

Qualified MAF Physicians who make a Qualifying Diagnosis of Level 1.5 Neurocognitive Impairment or Level 2 Neurocognitive Impairment by deviating from the BAP testing protocols or diagnostic criteria provide a written description in their reports as to why, in such doctor's medical judgment, the evaluation and evidence is "generally consistent" with the BAP diagnostic criteria.

s/Anita B. Brody

ANITA B. BRODY, J.

Copies **VIA ECF 1/9/2019**